

SENATE BILL 885

C4, R3

11r2949

By: **Senator Garagiola**

Introduced and read first time: February 21, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance**
3 **– Driving While Impaired by Alcohol**

4 FOR the purpose of establishing that, subject to a certain provision of law, a conviction
5 for driving while impaired by alcohol is included among the standards
6 reasonably related to an insurer's economic and business purposes that may be
7 applied by the insurer for purposes of canceling or refusing to underwrite or
8 renew a particular insurance risk or class of risk in the case of private
9 passenger motor vehicle insurance; and generally relating to standards for the
10 cancellation or refusal of motor vehicle insurance and the offense of driving
11 while impaired by alcohol.

12 BY repealing and reenacting, without amendments,
13 Article – Insurance
14 Section 27–501(a)(2)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Insurance
19 Section 27–501(l)(1)(vi)
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Transportation
24 Section 21–902
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Insurance**

4 27–501.

5 (a) (2) Except as provided in this section, an insurer or insurance
6 producer may not cancel or refuse to underwrite or renew a particular insurance risk
7 or class of risk except by the application of standards that are reasonably related to
8 the insurer’s economic and business purposes.

9 (l) (1) In the case of private passenger motor vehicle insurance, standards
10 reasonably related to the insurer’s economic and business purposes under subsection
11 (a)(2) of this section include, but are not limited to, the following and do not require
12 statistical validation:

13 (vi) subject to § 27–609 of this title, conviction of the named
14 insured or a covered driver under the policy of any of the following:

- 15 1. a violation of § 21–902(a), **(B)**, (c), or (d) of the
16 Transportation Article;
- 17 2. homicide, assault, reckless endangerment, or criminal
18 negligence arising out of the operation of the motor vehicle; or
- 19 3. using the motor vehicle to participate in a felony;

20 **Article – Transportation**

21 21–902.

22 (a) (1) A person may not drive or attempt to drive any vehicle while under
23 the influence of alcohol.

24 (2) A person may not drive or attempt to drive any vehicle while the
25 person is under the influence of alcohol per se.

26 (3) A person may not violate paragraph (1) or (2) of this subsection
27 while transporting a minor.

28 (b) (1) A person may not drive or attempt to drive any vehicle while
29 impaired by alcohol.

30 (2) A person may not violate paragraph (1) of this subsection while
31 transporting a minor.

1 (c) (1) A person may not drive or attempt to drive any vehicle while he is
2 so far impaired by any drug, any combination of drugs, or a combination of one or more
3 drugs and alcohol that he cannot drive a vehicle safely.

4 (2) It is not a defense to any charge of violating this subsection that
5 the person charged is or was entitled under the laws of this State to use the drug,
6 combination of drugs, or combination of one or more drugs and alcohol, unless the
7 person was unaware that the drug or combination would make the person incapable of
8 safely driving a vehicle.

9 (3) A person may not violate paragraph (1) of this subsection while
10 transporting a minor.

11 (d) (1) A person may not drive or attempt to drive any vehicle while the
12 person is impaired by any controlled dangerous substance, as that term is defined in §
13 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled
14 dangerous substance under the laws of this State.

15 (2) A person may not violate paragraph (1) of this subsection while
16 transporting a minor.

17 (e) For purposes of the application of subsequent offender penalties under §
18 27–101 of this article, a conviction for a crime committed in another state or federal
19 jurisdiction that, if committed in this State, would constitute a violation of subsection
20 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c),
21 or (d) of this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.